Alexandria Township Land Use Board Meeting Minutes May 16, 2019

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:32pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Mayor Garay, Giannone, Pauch, Daniello, and Kimsey

MEMBERS ABSENT: Freedman, Committeeman Pfefferle, Hahola

OTHERS PRESENT: David Banisch – Planner, Tom Decker – Engineer, Kara Kaczynski – Attorney, Joan Milne, Applicant, and Nicole Badalamenti

Chair Rochelle introduced and welcomed the new Land Use Board attorney, Kara Kaczynski to the Board.

Approval of the April 18, 2019 Regular Meeting Minutes

A motion to approve the minutes of the April 18, 2019 Regular Meeting was made by **Tucker** and seconded by **Garay. Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Mayor Garay, Giannone, Pauch, Daniello, and Kimsey. No Nays. Motion Carried.**

New and Pending Matters

Application 2019-01 – Use Variance Sterlingbrook Farms, Block 21 Lot 3, 630 County Road 513

Chair Rochelle and Mayor Garay recused themselves at 7:38pm. Mr. Papazian took over the board as Vice Chair. David Banisch explained the public hearing process and votes required to approve a variance. Kara Kaczynski, LUB Attorney advised the Board that this is a completeness hearing to make a determination if all the checklist items have been met. Tom Decker, LUB Engineer advised that all the items on the checklist have been satisfied. Papazian asked what prompted the application for the Use Variance. Sterlingbrook Farms was issued a cease and desist from the Zoning Officer months prior which prompted this Use Variance application. Zoning Officer was acting on a complaint. The LUB professionals recommended to the Board that the application be deemed complete. The public hearing date was set for June 20th at 7:30pm. Applicant was advised to notice 10 days before the hearing. **Dave** Banisch, LUB Planner advised the applicant that there would be a couple helpful items in the public hearing process. He advised the applicant to authorize a Surveyor to prepare a Variance Plan, showing the location of the buildings, parking, lighting, portable toilets, etc. so that the Board has all the general information needed to understand what is occurring onsite for this application, especially for the Site Plan phase, which is a second public hearing, requiring another public notice. He also advised to have a schedule of activities with times of days and hours with some explanation of what they are so that the Board can clearly understand the activities to eliminate confusion. Dave Banisch and Tom Decker advised the applicant that they are entitled to request a zoning interpretation from the Board to ensure

that a variance is needed. The applicant can ask the Board for an interpretation first and if not given a favorable interpretation and they need the Use Variance, the Board can proceed in the same Public Hearing. **Fritsche** asked about the requirement of the Site Plan. **Banisch** explained this is a bifurcated application to answer the use question first and that having a Variance Plan first may help to be able to waive some requirements of the Site Plan. Joan Milne, applicant, advised the Board that she had a map that she wanted to share with the Board. **Tom Decker** advised the applicant that the planner could take their minor subdivision plan that was submitted that provides a general layout and add information such as parking and lighting. This provides information and answers questions for the Board in regards to the operations of the applicant and safety concerns. **Kimsey** advised the Board that listing the times for the music playing for the events would be helpful. Discussion ensued regarding allowing applicant to continue operations; however applicant has postponed events and is not currently operating. Kara Kaczynski advised she could look into the land use code to see if there is some sort of temporary for the applicant.

Pending Matters - Signs

Chair Rochelle and Mayor Garay rejoined the board at 8:02pm. Chair Rochelle advised the Board the next subject is the Sign Ordinance. The Board was given the letter from Tom Decker, Engineer for the sign ordinance. Tom advised there is a lot of contradictory language in the ordinance regarding signs. To help guide the Board he listed and reviewed neighboring Municipalities' sign setbacks. He advised the further distance any have is 30 feet as opposed to our 75 feet and 200 feet. Chair Rochelle asked what the next step is for the Board. Tom Decker suggested not to tie the sign ordinance to a specific zone, possibly only residential and non-residential. He recommended additional definitions that need to be included in the sign ordinance that will define what the sign area is. Discussed signs that are prohibited should be included in the Ordinance such as flashing signs. Banisch advised some public uses could be exempt with regards to flashing signs. Existing signs that complied with the prior ordinance would be pre-existing non-conforming. Mayor Garay pointed out the main reason for reviewing this ordinance is for new businesses coming in that would like to put up a sign. Currently, new signs would be required to be set back too far for a business to effectively advertise.

Memorandum

To: Phil Rochelle, Chairman

Alexandria Township Land Use Board

From: Thomas R. Decker, PE, PP, CME

Alexandria Township Engineer

Date: December 18, 2018

Reference: Alexandria Township Sign Ordinance – Article VIII

Phil,

The Board had raised concerns during previous meetings regarding the required setback requirements for signs as provided in Article VII of the Alexandria Township Ordinance. As requested we reviewed the ordinance and offer the following. A copy of the ordinance is attached for reference.

Current Signage Setback Requirements

Ordinance §115-57E states the following under General regulations for signs:

"Except in the case where a local right-of-way abuts a structure, no sign other than those of governmental authority shall be erected or maintained nearer to a street line or lot line than a distance equaling the height of the top of the sign."

This seems fairly straight forward. The setback equals the sign height. However, ordinances §115-58A(2) and §115-58B(2)(e) require that all signs, other than for single family dwellings, shall be set behind the setback lines. This results in setbacks ranging from 25 feet to 200 feet, depending on the permitted use, and creates conflicts within the ordinance. For example:

Reference: Alexandria Township Sign Ordinance Review

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Assume an 8' high sign is proposed for a Low Density Corporate Office (D-5), a permitted use in the AR Zone.

- Per §115-57E the minimum setback is 8 feet (height of sign)
- Per §115-10C the minimum setback is 75 feet (min. front setback in AR Zone for non-residential)
- Per 115-58B(2) the minimum setback is 200 feet (min front setback for D-5 use)

Evaluation of Sign Setbacks Required by Neighboring Municipal Ordinances

As a comparison, we have reviewed the sign setback requirements in neighboring municipalities as summarized below.

Bethlehem Township:

Minimum of 5 feet or distance equal to the height of the sign.

Kingwood Township:

Residential Zones: 10 feet minimum Commercial Zones: 30 feet minimum

Holland Township:

Residential Zone: 30 feet minimum (Farm signs)

Industrial Park: 20 feet minimum

Union Township:

Minimum of 5 feet or distance equal to the height of the sign.

Franklin Township:

Minimum of 15 feet from ROW and Property Lines

Recommended Ordinance Revision

Alexandria Township Ordinance §115-57E is in general alignment with the Bethlehem and Union Township setback requirements establishing the setback as equal to the height of the sign. None of the neighboring municipalities require that a sign comply with the minimum building setback for the zone or use. The Township may wish to follow the Bethlehem and Union Township model by amending ordinance §115-57E to

reflect a minimum distance of 5 feet or the height of the sign, whichever is greater. As an alternate, the ordinance can be amended to set the minimum setback at a desired distance similar to the other municipalities. In either case, we recommend eliminating §115-58B(2)(e), referencing the zone setback.

Additional Comments

In conducting the above evaluation it was noted that the neighboring municipal sign ordinances include significantly more design standards and permitting requirements than the Alexandria Township ordinance. Additional elements that the Board may wish to evaluate in amending the ordinance:

- Definitions specific to signage
- Revise the maximum permitted height requirement. Currently Ordinance §115-57 states that "all signs must be contained within the building height restriction of the zoning district". Most zones and uses in the Township would permit signs to have a maximum height of 35 feet.
- Review permitted sign areas. The Industrial Commercial, Airport Business-1 & 2 and Airport Residential Air Park Districts permit signs up to 75 square feet in area. The maximum permitted in neighboring municipalities is 40 square feet.
- Prohibited Signage Flashing signs, animated signs, billboards, roof top, portable, banners, etc...
- Temporary event, election and real estate signs requiring a timeframe for removal after event, election or property closing.
- Permit application requirements

After review of the letter and some discussion the following recommendations were made by the Board for rewriting the Ordinance. **Tom Decker** advised that the Board needs to look at Monument Signs, Freestanding Signs and Building Mounted Signs separately.

The Board agreed Monumental signs would be 4'x8' for a total of 32 sq. feet maximum with a maximum height of 6', two directional signs would be allowed with each being a total of 8 sq. feet. All signs would be outside of the Sight Triangle. Signs need to be on the property of the applicant otherwise, the sign becomes a billboard by definition which is not allowed. The Board would like this to be included in the revised sign ordinance.

Gianonne brought up contractor signs, **Tom Decker** advised the Board could allow these signs on the property that the construction is taking place for the duration of construction but would need to be removed two weeks after construction has finished.

The Board agreed that the setback for monumental signs would be 10' from the road ROW which will give the applicant 20' from the edge of the pavement, whichever is greater.

Next the Board discussed illumination of signs. The Board agreed there would be no internal illumination. The Board would prefer gooseneck lighting where lights are placed at the top of the sign casting the light down.

The Board discussed that if the applicant has a corner lot, one Monument Sign would be allowed on each road frontage for a total of two signs. The Board does not intend to require landscaping around signs that are able to be approved with a Zoning Permit. Landscaping would be required if it were part of a Site Plan.

All these recommendations are for all zones and will not be zone specific. Due to the height of existing preservation signs the Board may consider having a maximum height of 8' on all signs.

Dave Banisch asked the Board if they would like to have a by right; one affixed to the building and one freestanding. The Board agreed they would like the applicant to allow this. Next the Board looked at the parameters for a sign attached to a building. Dave Banisch gave the example of a facade of 2,000 sq. feet; how much of the area could be covered by a sign. After some discussion, the Board would like to have an area of 32 sq. feet or 5% of the façade, whichever is less. A corner lot would be allowed to have two signs, one on each façade of the building facing the road. External illumination would be permitted for these signs as well.

Discussion ensued regarding whether or not to allow a sign for home occupations and temporary signs and what the parameters would be. **Tom Decker** suggested for he and **Dave Banisch** to look at other town ordinances regarding signs for home occupations, monument and temporary to narrow down the parameters and give the Board a basis to move forward regarding these types of signs.

Approval of Bills

None

Comments from the Board

Dave Banisch updated the board regarding the grant that was received for the town to look at the special event process. The scope of work in the grant requires the town attorney, engineer and planner to review the process and approach from a couple of different angles, to define what a special event is and to come up with a way to get them into the local approval process, either through site plan approval or exempt them if they are an agricultural management practice, such as selling produce on site, that is permitted by the state or is approved through the County Agricultural Board. Discussion ensued regarding the method of enacting an approval process that is not too harsh and will hurt the agricultural businesses. Complaints have been received by the township with regards to some of these special events an example being loud music every Saturday night. Mayor Garay advised the township has a responsibility to balance the right of the resident with the right of the farmer. Canavan asked that the work done by the LUB subcommittee for special events be reviewed by Banisch. The township is looking to create consistency with regards to special events. Mayor Garay reminded the Board the reason Alexandria received the grant is due to many townships in Hunterdon County are facing the same issue with regards to special events and we are a pilot program.

A motion to adjourn was made by **Papazian** and seconded by **Daniello** at 9:06pm. **Vote: Ayes: All Ayes. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary